

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**PLAINTIFF'S EX-PARTE EMERGENCY MOTION FOR A TEMPORARY  
RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

Plaintiff, pursuant to Rule 65 of the Federal Rules of Civil Procedure, moves the Court for entry of an Emergency *ex parte* Temporary Restraining Order and Preliminary Injunction enjoining Defendants Montgomery County, *et al.*, and all persons acting on its behalf, from continuing the underlying proceedings Family Law No. 143372-FL (stay) pending entry by the Court of a final judgment in this action.

This motion is based on the following grounds:

1. On January 22, 2021, the Circuit Court for Montgomery County, Montgomery County, set a hearing in the underlying state matter for February 12, 2021.
2. Unless enjoined by this Court, Defendant will continue to violate Plaintiff's rights pursuant to title II of the Americans with Disability Act ("ADA"); Fourteenth Amendment to the United States Constitution; and conspiracy pursuant to 42 U.S.C. § 1983.
3. The postponed hearing of February 12, 2021, is a Motion to Dismiss in which the underlying facts pertain to Plaintiff not being notified of the hearing as well as not being served in Texas on August 28, 2020, as the affidavit states because she was on Catalina Island, California, on that date, but Defendant, Montgomery County, proceeded with a Scheduling Hearing on December 18, 2020, that Plaintiff was not made aware of as attested by herself, former counsel, and her appellate attorney; a Scheduling Hearing took place before a hearing on Plaintiff's Motion to Dismiss dealing with Plaintiff not being served, despite an affidavit attesting to the fact that she was served; Montgomery County denied Plaintiff's motion to recuse Judge Bonifant from presiding over the Motion to Recuse, Motion to Postpone, and Motion to Dismiss based on his inability to remain impartial and his denial of Plaintiff's request for a reasonable accommodation

in violation of Plaintiff's rights pursuant to title II of the Americans with Disability Act ("ADA"); Fourteenth Amendment to the United States Constitution; and conspiracy pursuant to 42 U.S.C. § 1983.

4. Defendants Greenberg, Hedges, and Meiklejohn continue to conspire and will certainly violate Plaintiff's rights pursuant to title II of the Americans with Disability Act ("ADA"); Fourteenth Amendment to the United States Constitution; and conspiracy pursuant to 42 U.S.C. § 1983, unless enjoined.
5. Pursuant to Rule 65(a)(1) of the Federal Rules of Civil Procedure, Plaintiff, who is also an attorney, respectfully certifies to the Court that on January 27, 2021, Plaintiff filed a complaint in this matter. Concurrently with filing the Complaint, Plaintiff is providing Defendants copies of this motion and the proposed TRO.
6. There is a substantial likelihood that Plaintiff will establish at trial that pursuant to title II of the Americans with Disability Act ("ADA"); Fourteenth Amendment to the United States Constitution; and conspiracy pursuant to 42 U.S.C. § 1983, her rights were violated.
7. A Temporary Restraining Order is necessary to preserve the status quo, to prevent the irreparable injury to Plaintiff and her minor son, and to allow the Court to render effective relief if the Plaintiff prevails at trial. Plaintiff would have no adequate remedy at law, and this Court's ability to fashion effective relief would be significantly impaired, if Montgomery County proceeds with its February 12, 2021, hearing.
8. Any harm to Defendant from enjoining the February 21, 2021, stay of proceedings would be outweighed by the actual and potential injury to Plaintiff.
9. Granting the requested preliminary relief will serve the public interest.





